

EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JEFFREY ERIC SCHAEFER,

No. 10-11840

Plaintiff,

District Judge Stephen J. Murphy, III

v.

Magistrate Judge R. Steven Whalen

FIRST DATA CORPORATION,

Defendant.

**ORDER**

Before the Court is Plaintiff's Motion to Compel [Docket #7], in which he (1) requests leave to take immediate discovery, and (2) requests that the time for service of the summons and complaint be extended.

The Defendant has not yet been served, and thus the Court does not have personal jurisdiction to order discovery.

Under Fed.R.Civ.P. 4(m), a defendant must be served within 120 days after the complaint is filed. In this case, the complaint was filed on May 6, 2010. The time for service does not expire until September 2, 2010. The Plaintiff has not shown why he would be unable to meet that deadline, and the Court perceives no reason for extending the time for service.

Accordingly, Plaintiff's Motion to Compel [Docket #7] is DENIED.

IT IS SO ORDERED.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: July 28, 2010

## CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on July 28, 2010.

S/G. Wilson  
Judicial Assistant